



January 30, 2004

HOUSE BILL No. 1436

DIGEST OF HB 1436 (Updated January 29, 2004 10:00 am - DI 84)

Citations Affected: IC 4-13; IC 4-33.

Synopsis: Women and minority business certification. Provides that standards developed and a certification made under the minority business enterprise law apply to standards and certifications for minority business enterprises and women's business enterprises under any other Indiana law. Makes conforming changes in the riverboat gambling law. Specifies that riverboat owners must annually file information regarding contracts with minority and women's businesses and specifies that this information is not confidential under the public records laws.

Effective: July 1, 2004.

Crawford

January 20, 2004, read first time and referred to Committee on Appointments and Claims.
January 29, 2004, amended, reported — Do Pass.

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HB 1436—LS 7049/DI 75+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1436

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13-16.5-6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 6. (a) Notwithstanding any other law, the standards**
4 **developed under this chapter apply to the determination and**
5 **certification of a business as a minority business enterprise or a**
6 **women's business enterprise under any Indiana law.**

7 **(b) Notwithstanding any other law, a certification of a business**
8 **as a minority business enterprise or a women's business enterprise**
9 **under this chapter satisfies any Indiana law providing for or**
10 **requiring the certification of a business as a minority business**
11 **enterprise or a women's business enterprise.**

12 SECTION 2. IC 4-33-14-5, AS AMENDED BY P.L.92-2003,
13 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2004]: **Sec. 5. (a) As used in this section, "goods and services"**
15 **does not include the following:**

16 (1) Utilities and taxes.

17 (2) Financing costs, mortgages, loans, or other debt.

HB 1436—LS 7049/DI 75+



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(3) Medical insurance.

(4) Fees and payments to a parent or an affiliated company of an operating agent or the person holding an owner's license, other than fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for the use or benefit of the operating agent or the person holding the owner's license.

(5) Rents paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.

(b) Notwithstanding any law or rule to the contrary, the commission shall establish annual goals for an operating agent or a person issued an owner's license:

(1) for the use of minority and women's business enterprises; and

(2) derived from a statistical analysis of utilization study of licensee and operating agent contracts for goods and services that are required to be updated every five (5) years.

(c) An operating agent or a person holding an owner's license shall submit annually to the commission a report that includes the **following information:**

(1) **The** total dollar value of contracts awarded for goods or services and the percentage awarded to minority and women's business enterprises.

(2) **The following information relating to each minority business enterprise or women's business enterprise awarded a contract for goods or services:**

(A) **The name.**

(B) **The address.**

(C) **The total dollar amount of the contract.**

A record containing information described in this subsection is not exempt from the disclosure requirements of IC 5-14-3-3 under IC 5-14-3-4.

~~(c)~~ (d) An operating agent or a person holding an owner's license shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the commission that an effort was made to meet the requirements.

~~(d)~~ (e) An operating agent or a person holding an owner's license may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the licensee or operating agent shall provide the commission with proof of the amount of the set aside.

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1 SECTION 3. IC 4-33-14-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. The commission
3 shall ~~establish and administer a unified certification procedure~~ **use the**
4 **certifications made under IC 4-13-16.5** for minority and women's
5 business enterprises that do business with riverboat operations on
6 contracts for goods and services or contracts for business.

7 SECTION 4. IC 4-33-14-8, AS AMENDED BY P.L.92-2003,
8 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2004]: Sec. 8. The commission shall supply persons holding
10 owner's licenses and the operating agent with a list of the **certified**
11 minority and women's business enterprises. ~~the commission has~~
12 ~~certified under section 7 of this chapter. The commission shall review~~
13 ~~the list annually to determine the minority and women's business~~
14 ~~enterprises that should continue to be certified. The commission shall~~
15 ~~establish a procedure for challenging the designation of a certified~~
16 ~~minority and women's business enterprise. The procedure must include~~
17 ~~proper notice and a hearing for all parties concerned.~~

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Appointments and Claims, to which was referred House Bill 1436, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 4-33-14-5, AS AMENDED BY P.L.92-2003, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) As used in this section, "goods and services" does not include the following:

- (1) Utilities and taxes.
- (2) Financing costs, mortgages, loans, or other debt.
- (3) Medical insurance.
- (4) Fees and payments to a parent or an affiliated company of an operating agent or the person holding an owner's license, other than fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for the use or benefit of the operating agent or the person holding the owner's license.
- (5) Rents paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.

(b) Notwithstanding any law or rule to the contrary, the commission shall establish annual goals for an operating agent or a person issued an owner's license:

- (1) for the use of minority and women's business enterprises; and
- (2) derived from a statistical analysis of utilization study of licensee and operating agent contracts for goods and services that are required to be updated every five (5) years.

(c) An operating agent or a person holding an owner's license shall submit annually to the commission a report that includes the **following information:**

- (1) **The** total dollar value of contracts awarded for goods or services and the percentage awarded to minority and women's business enterprises.
- (2) **The following information relating to each minority business enterprise or women's business enterprise awarded a contract for goods or services:**
 - (A) **The name.**
 - (B) **The address.**
 - (C) **The total dollar amount of the contract.**

A record containing information described in this subsection is not

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exempt from the disclosure requirements of IC 5-14-3-3 under IC 5-14-3-4.

~~(c)~~ (d) An operating agent or a person holding an owner's license shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the commission that an effort was made to meet the requirements.

~~(d)~~ (e) An operating agent or a person holding an owner's license may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the licensee or operating agent shall provide the commission with proof of the amount of the set aside."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1436 as introduced.)

HARRIS, Chair

Committee Vote: yeas 11, nays 0.

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